

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS
ON THE COURTS DOCKET
TAWANA C. MARSHALL, CLERK

AUG 03 2010


D. Michael Lynn
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE § CHAPTER 11
TEXAS RANGERS BASEBALL PARTNERS, §
§ CASE No. 10-43400 (DML)
§
DEBTOR. §

Order Regarding Bids

Before the court is Radical Pitch LLC’s (“Radical”) *Emergency Motion for Order Directing Major League Baseball and the Office of the Commissioner of Baseball to Expedite Approval Process* (the “Motion”). By the Motion, Radical ask the court to enter an order instructing MLB and the BOC¹ to expedite the MLB approval process.² The court held an expedited hearing (the “Hearing”) on the Motion on August 2, 2010.

On July 15, 2010, the court entered its *Order Adopting Bidding Procedures* (Dkt. No. 363) by which it adopted certain bidding procedures (the “Bidding Procedures”)³ for

¹ Capitalized terms not otherwise defined herein are given the meaning they were given in the Bidding Procedures.

² The Successful Bidder is required to seek the approval of MLB before closing the sale.

³ The Bidding Procedures were amended by the court’s memorandum opinion and order of July 30, 2010 (Dkt. No. 478). The Bidding Procedures were then clarified by the court’s *Order Regarding Bids* on August 2, 2010 (Dkt. No. 499). Any references to the Bidding Procedures made in this

the sale of the Texas Rangers Baseball Club. The Bidding Procedures provide an option (the “Alternative Option”) that allows Qualified Bidders to place bids to purchase the Texas Rangers Baseball Club without having finalized their financing. In order to exercise the Alternative Option, a Qualified Bidder that has not finalized its financing must immediately, upon becoming the Successful Bidder, deposit \$15 million into the registry of the court. *See Bidding Procedures, p. 8, “Qualified Bids”.*

Radical asserts that if it becomes the Successful Bidder, it must close by August 16, 2010, because Radical claims the Bidding Procedures require that if it is unable to close by such date it must exercise the Alternative Option. Radical explains that in order to close by August 16, it must have MLB approval which would require that MLB and the BOC expedite the MLB approval process. Finally, Radical concedes that if it is not required to exercise the Alternative Option solely because it is unable to close by August 16 because of lack of MLB approval, it does not require an order instructing MLB and the BOC to expedite approval.

In the section titled “Qualified Bids” the Bidding Procedures provide:

Absent deposit of \$15 million as described in the preceding paragraph, the Successful Bidder must be prepared to close by August 16, 2010, *or such other time as the Debtor, the Debtor’s general partners and the Successful Bidder may agree to, or as the Bankruptcy Court may direct.*

Bidding Procedures, p. 8, “Qualified Bids” (emphasis added).

The court did not intend to force a Successful Bidder to exercise the Alternative Option if it is financially capable of closing upon completion of the auction. It is therefore;

order are to the Bidding Procedures as amended and clarified by the memorandum opinion and order and the *Order Regarding Bids*.

ORDERED that the Bidding Procedures are clarified as follows:

1. A Qualified Bidder is not required to exercise the Alternative Option so long as it is, in the judgment of Debtor and Debtor's general partners, financially capable of closing immediately upon becoming the Successful Bidder.
2. If the Successful Bidder is financially capable of closing, in the judgment of Debtor and Debtor's general partners, by August 16, 2010, it is not required to exercise the Alternative Option.
3. The Successful Bidder, Debtor and Debtor's general partners may agree to close on any date prior to October 11, 2010.
4. If the Successful Bidder remains financially capable of closing on October 11, 2010, the Successful Bidder, Debtor and Debtor's general partners may agree to close within a reasonable time, or the court may approve any other date.

End of Order